

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 17-20259

v.

HON. VICTORIA A. ROBERTS

JAMES LAWRENCE,

Defendant.

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**United States' Response Opposing  
Defendant's Emergency Motion for  
Compassionate Release (R. 77)**

James Lawrence pleaded guilty to possession with intent to distribute a controlled substance, 21 U.S.C. § 841(b)(1)(C); and possession of a firearm by a person previously convicted of a felony, 18 U.S.C. § 922(g). Lawrence was sentenced to 96 months in prison. (R.44: Judgment, 174). He is scheduled to be released on January 30, 2024. Lawrence recently filed a motion for compassionate release, sentence reduction and immediate release. (R.77 Motion, 405).

If a defendant makes such a motion, the district court may not act on it unless the defendant files it “after” either completing the administrative process within the Bureau of Prisons or waiting 30 days from when the warden at his facility received his request. 18 U.S.C. § 3582(c)(1)(A); *United States v. Alam*, --- F.3d ----, 2020 WL 2845694, at \*2-\*3 (6th Cir. 2020). As the Sixth Circuit explained in *Alam*, exhaustion of administrative remedies is “a mandatory condition” that “must be enforced” when the government raises it. *Id.*

As of June 16, 2020, the Bureau of Prisons (or BOP), through legal counsel, advised that they have no record of a request from Lawrence for compassionate release. Lawrence makes no reference to submitting an administrative request or a denial of same in his motion. (R.77: Motion, 408-409). Accordingly, the Court must dismiss Lawrence’s motion. Contrary to Lawrence’s request, there are no “special circumstances” or “equitable circumstances” exceptions to the exhaustion requirements, even based on the Covid-19 pandemic. *Alam*, 2020 WL 2845694, at \*4-\*5.

Accordingly, Lawrence's motion should be denied.

Respectfully submitted,

Matthew Schneider  
United States Attorney

*/s/ John N. O'Brien II*

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P39912

Dated: June 17, 2020

## Certificate of Service

I hereby certify that on June 17, 2020, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

I further certify that I have mailed by U.S. mail, or otherwise provided to a representative with the United States Bureau of Prisons, the paper to the following non-ECF participant:

James Lawrence  
Register No. 55509-039  
FCI Elkton  
Federal Correctional Institution  
P.O. Box 10  
Lisbon, Ohio 44432

/s/ John N. O'Brien  
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